

CLINTON BROWN, Pro Se
16821 Edgar Street
Pacific Palisades, CA 90272
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310-487-6453

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,

Plaintiff,

vs.

EMIL ASSENTATO, TAX DEED
ENTERPRISES LLC, STEVE WEERA
TONASUT TRUST,
Defendants.

CASE NO. 2:23-cv-09272-MEMF-KS

Motion for Entry of Default

Judge: Honorable Maame Ewusi-
Mensah Frimpong

Magistrate Judge: Karen L.
Stevenson

Action Filed: 04/20/2023

Action Due: 05/22/2023

MOTION FOR ENTRY OF DEFUALT

NOTICE TO THE COURT, pursuant to *F.R.C.P. 55(b)(2)*, an entry of default is a prerequisite for an entry of a default judgment for sums not certain. (*Garrett v. Seymour*, 217 F. App'x 835, 838, para 2, (10th Cir. 2007)). The Plaintiff accumulated debt to serve process in compliance with *F.R.C.P. 4.*¹ (Dk. 1-3, 1-4), (Dk. 14, 1-4), (Dk. 15, 1-7), (Dk. 16, 1), (Dk. 17, 1-5). *F.R.C.P. 4.* is a flexible rule if the Defendant has received sufficient notice. (*United Food & Commercial Workers Union, Locals 197, 373, 428, 588, 775, 839, 870, 1119, 1179 And 1532*

¹ (Dk. 19, 4-6, 7-8), *F.R.E. 102, Form LLC-12NC*, Statement of No Change, filed under File No. 20-C66661 on July 3, 2020, for Tax Deed Enterprises LLC, signed by Attorney Fern O'Brien, CA SOS; *Form LLC-12*, Statement of Information, filed under File No. 17-B61055 on November 30, 2017, for Tax Deed Enterprises LLC, signed by Manager Emil Assentato, CA SOS.

Chartered by United Food & Commercial Workers International Union, Afl–Cio v. Alpha Beta Company, 736 F.2d 1371, 1382 (9th Cir. 1984)). The summons was ribboned by this Court, stamped by this Court, and served by professional servers. Suffice it to say, a mailing of the documents and an email for waiver of service did not suffice for Defendants either. The Defendants willful disregard of the summons underlines a crucial question: Must a summons issued by this Court be responded to, or not?

The Defendants failure to respond is undisputed proof that *F.R.C.P. 55(b)(2)* requires entry of default to parties that have willfully refused service unless justice requires otherwise. The Defendants can show “good cause” to reverse an entry of default. (*F.R.C.P. 55(c)*). The good faith standard is an objective standard. (*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)). An objective standard treats parties objectively, thus good faith. The defaulting parties have failed to file a responsive pleading or motion and the applicable time for serving a responsive pleading or motion is *post facto*.

THEREFORE, the Court must file an entry of default.

“I, **Clinton Brown**, solemnly swear that I am submitting this filing with the Court, and that:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.”

“I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”



Clinton Brown

05/23/2023



Invoice #251513

May 02, 2023

Invoice Reference #: N/A

Servee: Tax Deed Enterprises LLC

Servee Address: 860 Seabright Ln, Solana Beach, CA 92075

Job Created By: CLINTON BROWN

CLINTON BROWN
16821 Edgar Street
Pacific Palisades, California 90272-3228

Proof
1800 N Gaylord St
Denver, CO 80206
Attn: accounting@proofserve.com
720.724.8518

Item

Price

Qty

Total

Standard Serve

Attempts Made: 1
Successful: No

\$85.00

1

\$85.00

Total

\$85.00

Paid

\$0.00

Balance

\$85.00

For questions or issues, please email AR@proofserve.com.



Invoice #258118

May 17, 2023

Invoice Reference #: N/A

Servee: Tax Deed Enterprises LLC

Servee Address: 1184 S Westlake Blvd, Unit B, Westlake Village, CA 91361

Job Created By: CLINTON BROWN

CLINTON BROWN
16821 Edgar Street
Pacific Palisades, California 90272-3228

Proof
1800 N Gaylord St
Denver, CO 80206
Attn: accounting@proofserve.com
720.724.8518

Item	Price	Qty	Total
Standard Serve Attempts Made: 4 Successful: No	\$85.00	1	\$85.00

Total	\$85.00
Paid	\$0.00
Balance	\$85.00

For questions or issues, please email AR@proofserve.com.



Invoice #259073

May 19, 2023

Invoice Reference #: N/A

Servee: Emil Assentato

Servee Address: 141 Piping Rock Rd, Locust Valley, NY 11560

Job Created By: CLINTON BROWN

CLINTON BROWN
16821 Edgar Street
Pacific Palisades, California 90272-3228

Proof
1800 N Gaylord St
Denver, CO 80206
Attn: accounting@proofserve.com
720.724.8518

Item

Price

Qty

Total

Standard Serve

Attempts Made: 4
Successful: No

\$120.00

1

\$120.00

Total

\$120.00

Paid

\$0.00

Balance

\$120.00

For questions or issues, please email AR@proofserve.com.



Secretary of State
Statement of No Change
(Limited Liability Company)

LLC-12NC

20-C66661

FILED

In the office of the Secretary of State
of the State of California

JUL 03, 2020

This Space For Office Use Only

IMPORTANT — [Read instructions](#) before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee – \$20.00

Copy Fee – \$1.00;
Certification Fee - \$5.00 plus copy fee

- 1. Limited Liability Company Name** (Enter the **exact** name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, [see instructions](#).)

TAX DEED ENTERPRISES LLC

- 2. 12-Digit Secretary of State File Number**

200502210144

- 3. State, Foreign Country or Place of Organization** (only if formed outside of California)

DELAWARE

- 4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

- 5.** The information contained herein is true and correct.

07/03/2020

Date

Fern OBrien

Type or Print Name of Person Completing the Form

Attorney

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. ([SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:



Secretary of State
Statement of Information
 (Limited Liability Company)

LLC-12

17-B61055

FILED

In the office of the Secretary of State
 of the State of California

NOV 30, 2017

This Space For Office Use Only

IMPORTANT — [Read instructions](#) before completing this form.

Filing Fee – \$20.00

Copy Fees – First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, [see instructions](#).)

TAX DEED ENTERPRISES LLC

2. 12-Digit Secretary of State File Number

200502210144

3. State, Foreign Country or Place of Organization (only if formed outside of California)

DELAWARE

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
860 Seabright Ln	Solana Beach	CA	92075
b. Mailing Address of LLC, if different than item 4a	City (no abbreviations)	State	Zip Code
2401 Boca Raton Blvd	Boca Raton	FL	33431
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
860 Seabright Ln	Solana Beach	CA	92075

5. Manager(s) or Member(s)

If no **managers** have been appointed or elected, provide the name and address of each **member**. At least one name **and** address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A ([see instructions](#)).

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
Emil		Assentato	
b. Entity Name - Do not complete Item 5a			
c. Address	City (no abbreviations)	State	Zip Code
2401 Boca Raton Blvd	Boca Raton	FL	33431

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
Matthew		Poiset	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
860 Seabright Ln	Solana Beach	CA	92075

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company
 Purchase and sale of tax liens

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. The Information contained herein, including any attachments, is true and correct.

11/30/2017

Emil Assentato

Manager

Date

Type or Print Name of Person Completing the Form

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. [SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name: []

Company:

Address:

City/State/Zip: []